

# Notice of Allowability

## Application No.

09/753,385

## Applicant(s)

HEARTLEIN ET AL.

## Examiner

Claire M Kaufman

## Art Unit

1646

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to amendment of 7/19/04 and telephone interview for Ex's Amd't of 9/15/04.

☒ The allowed claim(s) is/are 43-47,49 and 51-86.

☒ The drawings filed on 1/3/04 are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd Garcia for Louis Myers on September 15, 2004.

The application has been amended as follows:

Before the first sentence of the specification, add the following paragraph:

This application is a Continuation of U.S. Application Serial No. 09/285,310, filed April 2, 1999, now U.S. Patent No. 6,262,026, which is a Divisional of U.S. Application Serial No. 09/037,188, filed March 9, 1998, now U.S. Patent No. 6,027,921, which is a Divisional from U.S. Application Serial No. 08/470,058, filed June 6, 1995, now U.S. Patent No. 5,817,789. The disclosure of the prior application is considered part of (and is incorporated by reference in) the disclosure of this application.

Please cancel claims 48 and 50 without prejudice.

Please replace claims 47, 49, 62 and 65 as follows:

47. (Currently amended) The method of claim 43, wherein the endogenously produced substance is a naturally occurring hormone.

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49. (Currently amended) The method of claim 48 43, wherein the ~~nutrient~~ endogenously produced substance is glucose.

65. (Currently amended) The method of claim 48 43, wherein the ~~nutrient~~ endogenously produced substance is a lipid.

62. (Currently amended) The method of claim 61, wherein the glycolipid is ceramidetrihexosidase<sub>7</sub>.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: Claim 43, originally indicated as generic in the *Election/Restriction* mailed 6/24/03, has been amended. Due to the number and selection of species now recited in the generic claims, the examiner has determined the search for the species listed in claim 43 does not constitute an undue burden. After searching the recited species, no prior art was found that anticipated or made obvious the claimed species. As a result, claims indicated as "Withdrawn" because they were drawn to non-elected species have been examined and are no longer withdrawn.

The above amendments have been approved by the Applicant to expedite prosecution and Applicant reserves the right to pursue cancelled or amended subject matter in the future.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire M. Kaufman, whose telephone number is (571) 272-0873. Dr. Kaufman can generally be reached Monday, Tuesday and Thursday from 8:30AM to 2:30PM.

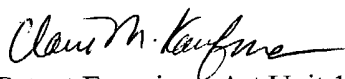
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached at (571) 272-0961.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

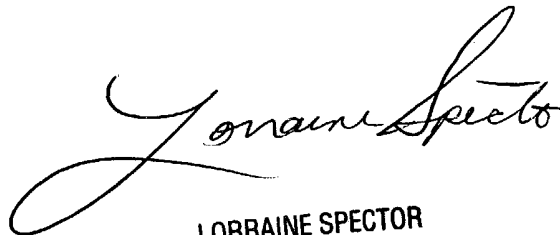
Official papers filed by fax should be directed to (703) 872-9306. NOTE: If applicant *does* submit a paper by fax, the original signed copy should be retained by the applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office. **Please** advise the examiner at the telephone number above before facsimile transmission.

Claire M. Kaufman, Ph.D.



Patent Examiner, Art Unit 1646

September 20, 2004



LORRAINE SPECTOR  
PRIMARY EXAMINER